

## **REMARKS**

Claims 1-22, 24, and 27-51 were pending and presented for examination in this application. In the latest Office Action, all pending claims were rejected. Applicants thank Examiner for examination of the claims pending in this application and address Examiner's comments below.

Applicants are amending claims 1, 6, 7, and 24 and adding claims 77-79 in this amendment. These changes are believed not to introduce new matter, and their entry is respectfully requested. In making these amendments, Applicants do not concede that the subject matter of the claims in their original form was in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time and merely seek to pursue protection for the subject matter presented in this submission.

In view of the claims as presented herein and the remarks that follow, Applicants respectfully request that Examiner reconsider all outstanding objections and rejections, and withdraw them.

### **Response to Rejection of Claims 1, 6, 7, and 24**

Independent claims 1, 6, 7, and 24 were rejected as unpatentable under 35 U.S.C. 103(a) over Junod (US Patent 5,854,621), alone or in combination with Frank (US Patent 5,457,478). Applicants respectfully submit that the references, alone or combination, do not disclose or suggest the claimed invention.

Independent claim 1 has been amended to recite:

an image data processing logic coupled to the photo-sensitive element for receiving the image data and configured to detect activity based on the image data and to qualify detected activity as false activity

Similarly, independent claim 6 has been amended to recite, “determining that the detected activity comprises false activity.” Independent claim 7 in its present form recites “determining that [first activity data] does not comprise false activity data,” and independent claim 24 has been amended to recite “determining that [first activity data] does not represent false activity.” Logic that can “qualify detected activity as false activity” as recited in claim 1 can be used to filter out incidental activity caused by an environmental disturbance rather than a user intending to use an input device. Screening out such disturbances improves the quality of information upon which power-management decisions can be made. This enhances overall efficiency, by, for instance, decreasing the risk that a system will be unnecessarily activated.

Neither Junod nor Frank (nor Hong (US Patent 6,803,954)), cited by Examiner, but not applied to these claims) suggests or discloses “determining . . . false activity” or “qualify . . . false activity” as claimed. Frank discloses a control device that can operate as a cursor control device and a remote control device. (2:53-55) While Frank describes the operation of a “coordinate generator” that can compare bitmap images with each other (9:55-9:57), it never discloses or suggests using this or any other information to determine or qualify activity as false as claimed. Junod also lacks the required disclosure. Junod discusses wireless communications of data reports (7:27) between peripherals and host computers. Although Junod describes using a displacement report frame format to ensure that data reports are valid (7:30-8:24), this is not “determining . . . false activity” or “qualify . . . false activity” as claimed. Nor does it achieve any of the cited advantages or benefits of determining when detected activity is false as claimed. For at least these reasons, neither the

references, nor their combination, suggests or discloses claims 1, 6, 7, and 24, or the remaining claims that depend from them.

### **Additional Grounds of Patentability**

Dependent claims 3 and 77-79 present additional grounds of patentability. Claim 3, for instance, recites “a CCD array having a set of pixels and the image data comprises a bit vector corresponding to a set of states of the set of pixels.” Examiner cited Hong for this element. While Hong discloses a generic CCD, Hong is in the field of digital video compression systems, and has nothing to do with optical input devices or any field into which Applicants’ invention could reasonably be classified. For this reason, it is non-analogous prior art that cannot properly form the basis of a 35 U.S.C. 103 rejection. (MPEP 2141.01(a)) Thus, even assuming the combination of references could be construed to meet the claimed invention, which it cannot, a rejection based on this combination would be improper.

Furthermore, as described earlier, the cited references fail to suggest or disclose “an image data processing logic . . . configured to detect activity based on the image data and to qualify detected activity as false activity.” New claims 77-79 describe various basis upon which the logic can “qualify detected activity as false activity” including statistical- and quantity-based qualification, statistical analysis, and usage data. Each of these additional elements of the claims 77, 78, and 79, respectively, is neither taught nor suggested by any of the references.

### **Conclusion**

For at least these reasons, Applicants respectfully submit that pending claims, as presented, are patentable over the cited references. Thus, Applicants request reconsideration

of the basis for the rejections to these claims and request allowance of them. In addition, Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,  
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